

*10*

**Notice of Allowability**

Application No.

10/647,341

Examiner

Leo Boutsikaris

Applicant(s)

OKUNO, TOSHIAKI

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendment filed on 11/4/04.

2.  The allowed claim(s) is/are 1-20.

3.  The drawings filed on 26 August 2003 are accepted by the Examiner.

4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some\*    c)  None    of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)

5.  Notice of Informal Patent Application (PTO-152)

2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)

6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.

3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_.

7.  Examiner's Amendment/Comment

4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

8.  Examiner's Statement of Reasons for Allowance  
9.  Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Arthur Steiner (Reg. No. 26,106) on 11/15/2004.

The application has been amended as follows:

#### **IN THE CLAIMS**

In claim 1, line 10, the phrase "said optical fiber transmission line" is deleted.

In claim 11, line 10, the phrase "said optical fiber transmission line" is deleted.

The following is an examiner's statement of reasons for allowance:

Claims 1-20 are allowable over the prior art of record for at least the reason that even though the prior art discloses optical fiber transmission systems wherein chromatic dispersion compensators are used to correct for chromatic dispersion of individual channels, the prior art fails to teach or reasonably suggest, regarding claims 1-10, an optical transmission system wherein when a bit rate is B at a specific wavelength in the second wavelength band, a chromatic dispersion value at the specific wavelength is between 0 and  $7,500/B^2$  ps/nm, and wherein, in the entire optical transmission system, loss in each signal channel is in the second wavelength band is smaller than the highest loss among losses in the signal channels in the first wavelength band,

Art Unit: 2872

and regarding claims 11-20, an optical transmission system wherein when a bit rate is B at a specific wavelength in the second wavelength band, a chromatic dispersion value at the specific wavelength is between 0 and  $7,500/B^2$  ps/nm, and wherein, the lowest received power among the received powers for the signal channels in the second wavelength band is higher than the lowest optical power among the optical powers in the optical fiber transmission line on the signal channels in the first wavelength band, as set forth by the claimed combination.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Leo Boutsikaris whose telephone number is 571-272-2308.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leo Boutsikaris, Ph.D.  
Primary Patent Examiner, AU 2872  
November 13, 2004

